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## UNITED STATES DISTRICT COURT

## DISTRICT OF MASSACHUSETTS

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In Re: NEW ENGLAND COMPOUNDING :  
pharmacy, Inc., Products : MDL No. 2419  
Liability Litigation, :  
: Docket No.:  
: 1:13-md-2419  
Box Hill Surgery Center, LLC, :  
et al. :

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Washington, D.C.

Friday, March 10, 2017

Videoconference Deposition of:

THOMAS M. LARKIN, M.D.

called for oral examination by counsel for  
Plaintiffs, pursuant to notice, at Veritext Legal  
Solutions, 1250 I Street, N.W., Suite 350,  
Washington, D.C., before Felicia A. Newland, CSR, of  
Veritext Legal Solutions, a Notary Public in and for  
the District of Columbia, beginning at 1:15 p.m.,  
when were present on behalf of the respective  
parties:

## A P P E A R A N C E S

\* \* \* \* \*

On behalf of Plaintiffs:

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-- and --

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On behalf of Defendants:

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## C O N T E N T S

## EXAMINATION BY: PAGE

Examination by Mr. Mintzer 5

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Examination by Mr. Kirby 336

## LARKIN DEPOSITION EXHIBITS: \* PAGE

1627-2 CV, Thomas M. Larkin, M.D. 14

1627-3 Expert report by Thomas M.  
Larkin, M.D., October 2016 54

1627-4 Exhibit 2 to Dr. Larkin's report 70

1627-14 Commonwealth of Massachusetts, Board  
of Registration in Medicine, Prescribing  
Practices, Policy and Guidelines,  
Adopted August 1, 1989, Amended  
November 17, 2010 226

1627-30 LexisNexis, 2012 ALM GL ch.94C, 19 302

1627-43 Standards of Professionalism:  
Expert Witness Guidelines 161627-44 Composite exhibit, consisting of  
listing of documents that Dr. Larkin  
reviewed 79

1 attached to it a procedure list. Correct?

2 A Yes.

3 Q Okay. And you are you familiar with what  
4 the elements of the prescription are?

5 A If you would, you can -- you can educate  
6 me on the specific elements of a prescription.

7 Q Okay. Let me see if I can do it.

8 But maybe it would be a little easier if  
9 we -- bear with me for a second.

10 MR. COREN: Glenn, what number is the  
11 Massachusetts Prescribing Practices, Policy and  
12 Guidelines?

13 Glenn, are you still there?

14 MR. MINTZER: Yeah, I'm here. I'm  
15 looking at the list. I'm not sure exactly.

16 Oh, look at 14 maybe.

17 MR. COREN: Yes.

18 Greg, or madam court reporter, could  
19 you get folder 14?

20 (Larkin Deposition Exhibit Number 1627-14  
21 marked for identification.)  
22

1 BY MR. COREN:

2 Q Okay. Thank you.

3 I thought it may be better if I let one  
4 group of doctors talk to another doctor as opposed  
5 to a lawyer, I think it might be a little more  
6 comfortable for you. Okay?

7 A Okay.

8 Q This document was marked as Exhibit  
9 1626-6 at Dr. Maine's deposition. And this is the  
10 Prescribing Practices, Policy and Guidelines  
11 published by the Commonwealth of Massachusetts  
12 Board of Registration in Medicine, adopted  
13 August 1, 1989, and amended November 17, 2010. And  
14 in 2015, they issued another version of it, so I  
15 wanted to use the one in 2012, the one that was in  
16 place and available online. I got this online.  
17 You know, went looking for it, and lo and behold,  
18 found it.

19 And, just, I want to talk to you about a  
20 couple of things in here and then come back to the  
21 1627-57 exhibit. Okay.

22 MR. KIRBY: Objection to form and

1 foundation.

2 THE WITNESS: Okay.

3 BY MR. COREN:

4 Q Turn to the first number of the -- it's  
5 unnumbered, it's really Roman Numeral 1. It says,  
6 "Introduction and Executive Summary." Let me know  
7 when you get to that.

8 A Yeah, I'm here.

9 Q Okay. And it states, just so we -- I  
10 just want to get -- hopefully we're on the same  
11 page with you using this -- so Massachusetts Board  
12 of Registration and Medicine has prepared these  
13 Prescribing Practices, Policy and Guidelines to  
14 provide physicians with greater understanding of  
15 their responsibilities and the standards the Board  
16 applies in reviewing their prescribing practices.  
17 Okay.

18 So this is so the doctors can know what  
19 in Massachusetts, you would agree, is expected.  
20 Correct?

21 MR. KIRBY: Objection to form.

22 Foundation. Scope.

1 Go ahead.

2 THE WITNESS: Yes. This is -- yes, I  
3 think that's what it is -- I think that's what it  
4 is. It's awfully detailed, but yes.

5 BY MR. COREN:

6 Q Understood. And believe me, I'm only  
7 going to look at a few pages in this thing. Okay.  
8 It's not as daunting as it looks.

9 The first thing I have is, have you ever  
10 seen this document before?

11 A No, I have not.

12 Q This wasn't provided to you as part of  
13 the materials that you used in formulating your  
14 opinion.

15 A No, it was not.

16 Q Is that a fair statement?

17 A I don't think it was on the list.

18 Q Would you --

19 A I haven't looked through it before.

20 Q Would you have liked to have had what the  
21 Massachusetts Board of Physicians have to say on  
22 prescribing and formulating your opinions?